Lindsay Hoopes (CA SBN 271060) 1 PO BOX 3600 Yountville, CA 94599 2 415-240-2644 Email: lindsayhoopes@comcast.net 3 4 Attorney for Defendant 5 6 7 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 8 (SAN FRANCISCO) 9 10 ANDRES GOMEZ, Civil Action No. 3:21-cv-08776 EMC Plaintiff, 11 The Honorable Edward M. Chen 12 v. DECLARATION OF COUNSEL IN 13 SUPPORT OF MOTION TO DIMISS [FED. HOOPES VINEYARD, LLC, a California Limited Liability Company, R. CIV. P. 12(B)(1); FED. R. CIV. P. 14 Defendant. 12(B)(6)15 Complaint Filled: 11/12/2021 16 Hearing Date: Time: 17 18 Date: February 1, 2022 19 20 21 22 23 24 25 26

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NOTICE OF MOTION AND MOTION TO DISMISS

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DECLARATION OF COUNSEL IN SUPPROT OF MOTION TO DISMISS

I, Lindsay Hoopes, Esq., hereby declare and state as follows:

- 1. I am an attorney licensed to practice law before all the Courts of the State of California. I personally know the facts stated herein. If called upon to testify, I could and would competently testify to those facts and related facts that I rely upon to establish personal knowledge of the facts asserted below:
- 2. I represent Hoopes Vineyard, in the within action. I am not engaged in the regular practice of law for other private or professional entities, but I do serve as general counsel to Hoopes Vineyard on a regular basis.
- 3. I am the majority owner of Hoopes Vineyard, LLC. Hoopes Vineyard, LLC is a wholly family-owned company.
- 4. Hoopes Vineyard, LLC is a business with primary operations located in Napa County, California. The principal business operations include growing grapes, grape purchasing, vineyard management, farming, wine production, property management, and wholesale and direct wine sales.
- 5. Hoopes Vineyard, LLC does not own Real Property. Hoopes Vineyard, LLC operates and/or utilizes various vineyards, production facilities, residences and other facilities as necessary to carry out the aforementioned operations.
- 6. Hoopes Vineyard, LLC does not offer wine "tastings" or facilitate wine production for individual consumers at any physical location.
- 7. The vast majority of the properties operated by Hoopes Vineyard, LLC are not open to the public.
- 8. The primary purpose of the Hoopes Vineyard website is to engage customers in direct, online sales shipped from the winery directly to a customer's place of residence. The website also provides information about the wines and the business, generally.
- 9. Plaintiff did not, prior to filing, contact Hoopes Vineyard or make any effort to identify accessibility issues on the website to Hoopes Vineyard staff.
- 10. Plaintiff has never visited any property associated with Hoopes Vineyard, nor made contact with Hoopes Vineyard personnel about services or goods available online or at any physical location.

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11. Plaintiff has filed a series of complaints against real estate agents, lodging purveyors, and 1 wineries operating in Napa. The complaints are largely devoid of facts distinguishing the 2 complaints form one another. Legally, the complaints are near carbon copies of the other. 3 Regardless of business type, Plaintiff alleges without exception that he was unable to 4 navigate the business website and was, as a result, unable to make use of "his/her/its" 5 services and has since been deterred from returning to the business website. 12. Based on a PACER search conducted on February 1, 2022, and inputting Plaintiff's 6 credentials, I learned that Plaintiff has filled 109 cases in the Northern District of 7 California, and 969 cases throughout the federal court system since 2015. All claims 8 appear to be accessibility claims under the ADA and/or local state equivalents. 9 10 I declare under penalty of perjury under het laws of the state of California, and the United 11 States of America, that the foregoing is true and correct. 12 Respectfully Submitted: 13 Dated: 2/1/2022 BY: /s/ 14 Lindsay Hoopes, Esq. 15 Attorney for Defendant HOOPES VINEYARD, LLC 16 17 18 19 20 21 22 23 24 25 26

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DECLARATION OF LINDSAY HOOPES IN SUPPORT OF MOTION TO DISMISS

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